

FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION No.1445/07.

Office Notes, office Memoranda of Coram appearances, Court's orders or directions and Registrar's order.	Court's or Judge's order
--	-----------------------------

CORAM: C.L.PANGARKAR,J.
DATE : 15th June, 2007.

1. Heard Shri A.M.Jaltare, Advocate for the applicant and Shri A.S.Sonare, Addl.Public Prosecutor for the State.

2. This is an application under Section 439 of Code of Criminal Procedure.

3. The applicant/accused had moved an application earlier also for grant of bail being Criminal Application No.906/2007, which came to be rejected by this court. The application was rejected after hearing the learned counsel for the applicant on merits.

4. The learned counsel for the applicant submitted that there is change in the circumstances, as well he wants to bring to the notice of the court

some additional facts which were not taken into consideration while deciding the first application. He submits that in view of this the second application is tenable. There cannot be any quarrel on the point as to tenability of the successive applications. The applicant/accused can file any number of applications for grant of bail. The question is whether such subsequent applications would make the accused entitled for release on bail. The law is established that if there is a substantial change in the circumstances then alone the second application should be considered. It was sought to be argued that the husband of the deceased has specifically stated in the statement before the police that his servant Raghunath Kadam had gone out, at that time the accused had entered the shop. He submitted that this fact was not considered by the court.

5. It may be mentioned, however, that this court while deciding the earlier application had relied upon the statement of Raghunath which clearly implicates the accused. The court cannot go into the question as to whether Raghunath was or was not present, at this stage. Raghunath had given the statement that accused had pushed him and Vinod, entered into the house and set Kalpanabai to fire. That statement of Raghunath at this stage has to be accepted as it is. Court cannot look into the inconsistencies and

contradictions at this stage. I do not find, therefore, that there is any material change in the circumstances which would make the accused/ applicant entitled for release on bail. The application is, therefore, rejected.

JUDGE

pzc